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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/080,422	02/21/2002	Meir Feder	MS1-1150US	8274
22801	7590	07/14/2005	EXAMINER	
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			CZEKAJ, DAVID J	
			ART UNIT	PAPER NUMBER
			2613	

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/080,422	Applicant(s) FEDER ET AL.	
	Examiner Dave Czekaj	Art Unit 2613	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 March 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) 19-36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/3/02</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities: On page 6, line 19, the examiner understood "decoder 104" to be "decoder 112".

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Boucher et al. (6675387), (hereinafter referred to as "Boucher").

Regarding claim 1, Boucher discloses an apparatus that relates to preparing multimedia data for transmission (Boucher: column 1, lines 22-24).

This apparatus comprises "determining at least one quality for a part of an image based on a rate of change of the part" (Boucher: column 11, lines 24-29, wherein the one quality is the higher or lower quality, the part of the image is the background or text, wherein the rate of change is the object being static) and "transmitting the image part using the transport" (Boucher: figure 3, wherein the transport is the cable network).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boucher et al. (6675387), (hereinafter referred to as "Boucher") in view of van der Schaar et al. (6785334), (hereinafter referred to as "Schaar").

Regarding claims 2 and 9, note the examiners rejection for claim 1, and in addition, claims 2 and 9 differ from claim 1 in that claims 2 and 9 further require generating and transmitting enhancement data. Schaar teaches that prior art processing systems fail to efficiently utilize network bandwidth (Schaar: column 1, lines 42-45). To help alleviate this problem, Schaar discloses "generating and transmitting a data block of image enhancement data if the image part did not change in a time period" (Schaar: figure 3A, column 4, lines 10-14, wherein the enhancement data is the enhancement layer, the image part not changing is the same image being displayed, i.e. the image does not change to the next image). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to take the apparatus disclosed by Boucher and add the enhancement scheme taught by Schaar in order to obtain an apparatus that efficiently utilizes available network bandwidth.

Regarding claim 3, Boucher discloses "generating without decoding previously used DCT coefficients" (Boucher: column 11, lines 1-6).

Regarding claims 4-7, although not disclosed, it would have been obvious make the static image not change for many frames or many seconds (Official Notice). Doing so would have been obvious in order to allow enough time to pass to verify the image was in fact static.

Regarding claim 8, although Schaar discloses transmitting less enhancement data once a target is met (Schaar: figure 3), Schaar fails to disclose not transmitting enhancement data once a quality target is met. Although not disclosed, it would have been obvious not to transmit data once a quality is met (Official Notice). Doing so would have been obvious in order to conserve network resources.

Regarding claim 10, Boucher discloses "the transport comprises an MPEG-type transport" (Boucher: column 11, lines 29-31).

Regarding claim 11, Boucher discloses "decoding the image using a standard MPEG decoder" (Boucher: column 12, lines 60-61).

Regarding claim 12, Boucher discloses "calculating a synchronization frame for the transport by mapping a representation of the image to a representation of the image as it should be" (Boucher: column 13, lines 30-40, wherein the calculation of the synchronization frame is the pulling together of the macroblocks, the mapping is the updating).

Regarding claims 13-14, Boucher discloses "associating with the image an indication of a suitable target/initial quality for the image part" (Boucher: column 11, lines 26-29, wherein the association is associating the background with a low quality).

Regarding claim 15, Boucher discloses "associating with the image an indication of an expected rate of change of the part" (Boucher: column 11, lines 23-25, wherein the expected rate of change is the background remaining static).

Regarding claims 16-17, Boucher discloses "generating the indication by an image generator" (Boucher: column 10, lines 24-25, wherein the image generator is the MPEG encoder).

Regarding claim 18, although not disclosed, it would have been obvious to generate the indication by analyzing a past profile of changes (Official Notice). Doing so would have been obvious in order to successfully detect errors by having a tolerable range of motion values.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US-5465118	11-1995	Hancock et al.
US-6005561	12-1999	Hawkins et al.
US-6025882	02-2000	Geshwind, David Michael
US-6229849	05-2001	Mihara, Kanji
US-6633608	10-2003	Miller, Henry S.


US-6771703      08-2004      Oguz et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dave Czekaj whose telephone number is (571) 272-7327. The examiner can normally be reached on Monday - Friday 9 hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571) 272-7418. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DJC

  
VU LE  
PRIMARY EXAMINER